

UNITED STATES DISTRICT COURT

for the
Western District of Texas**FILED**

OCT - 9 2018

CLERK, U.S. DISTRICT COURT
WESTERN DISTRICT OF TEXAS
BY [Signature]
DEPUTY CLERKUnited States of America
v.

Case No.

EP-18-M-7390-LFC

Francisco Gonzalez-Lopez
AKA: Francisco Gonzales-Lopez
Defendant(s)

CRIMINAL COMPLAINT

I, the complainant in this case, state that the following is true to the best of my knowledge and belief.

On or about the date(s) of October 5, 2018 in the county of El Paso in the
Western District of Texas, the defendant(s) violated:

Code Section

Offense Description

8 U.S.C. 1326(a)

an alien, who had previously been excluded, deported, and removed from the United States on or about March 25, 2015, attempted to enter, entered, and was found in the United States, without having previously received consent to reapply for admission from the Attorney General of the United States and the Secretary of Homeland Security, the successor pursuant to Title 6, United States Code, Sections 202(3), 202(4) and 557.

This criminal complaint is based on these facts:

☒ Continued on the attached sheet.[Signature]

Complainant's signature

Vanessa Falcon

Customs and Border Protection Enforcement Officer

Sworn to before me and signed in my presence.

Date: October 9, 2018City and state: El Paso, Texas[Signature]

Judge's signature

Robert F. Castaneda

United States Magistrate Judge

Oath Telephonically Sworn
At 1:51 PM
Fed.R.Crim.P.4.1(b)(2)(A)

FACTS

That on or about October 5, 2018, the DEFENDANT, Francisco Gonzalez-Lopez, AKA: Francisco Gonzales-Lopez, a native and citizen of Mexico, entered the United States by eluding inspection at the Bridge of the Americas (BOTA) port of entry in El Paso, Texas. Customs and Border Protection (CBP) Officers were advised via radio communication of an individual crawling northbound on the southbound pedestrian walkway. Officer Nevarez responded and apprehended the DEFENDANT at the Chamizal National Memorial Park. The DEFENDANT provided Officer Nevarez with his true name and date of birth. The DEFENDANT was asked if he had any legal documents to enter the United States and replied he did not. The DEFENDANT was asked where he was born and replied Ciudad Juarez, Chihuahua, Mexico. The DEFENDANT was asked what his intention upon entering the United States and he stated to seek employment. The DEFENDANT was escorted to Passport Control Secondary (PCS) for further inspection.

In secondary, the DEFENDANT claimed he was a citizen and national of Mexico and did not have any legal documents to enter or remain in the United States. The DEFENDANT stated his intention was to enter the United States to seek employment in Arizona or California. The DEFENDANT admitted he intentionally evaded inspection. The DEFENDANT was advised of his Miranda Rights, which he claimed to have understood, and invoked his right to remain silent. At this time all questioning ceased. The DEFENDANT was fingerprinted and revealed he was previously removed from the United States to Mexico on or about March 25, 2015. Further record checks indicate the DEFENDANT has neither applied for, nor received permission from the United States Attorney General or the Secretary of Homeland Security to reapply for admission into the United States.

Because this Affidavit is being submitted for the limited purpose of establishing probable cause as set forth herein, I have not included each and every fact known to me concerning this investigation.

CRIMINAL AND IMMIGRATION RECORD

CRIMINAL RECORD

04/28/2008: District of Arizona 8 USC 1325; Sentenced to 25 days in jail.

04/02/2008: Flagstaff Municipal Court, Aggravated Assault; Sentenced to 3 years Probation.

10/26/2007: Flagstaff Municipal Court, DUI-Liquor/Drugs/Vapors/Combo; Sentenced to 10 days in jail.

IMMIGRATION RECORD

Five previous removals from the United States to Mexico.